REMARKS/ARGUMENTS

The rejections presented in the Office Action dated January 14, 2009, (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, the independent claims have been amended to characterize that an inactive state is set as the state of a user interface component when a terminal is not being actively used. Support for the changes may be found in the Specification, for example, at paragraphs [0006], [0007], and [0032]; therefore, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the teachings of the asserted references for the reasons set forth below.

Neither Kubosawa nor Halonen (the combination upon which all of the § 103(a) rejections are based) alone, or in combination, teaches or suggests setting a user interface component state and preventing application of a handover algorithm on the basis of checking the state of the user interface component. For example, Kubosawa does not set a state of a user interface when the terminal 10 is not actively used. Instead, the cited step S9 merely refers to waiting to determine whether a user enters an input (paragraph [0055]). As acknowledged at page three of the Office Action, Kubosawa also does not teach preventing application of a handover algorithm and instead teaches that handover is prevented in response to a lack of input from a user. In contrast to the claimed checking of an interface state, Halonen teaches that a handover algorithm is stopped in response to a predefined time having been elapsed (page 9, line 21, Claim 2, and step 307). Thus, neither of the asserted references has been shown to teach setting a user interface component state; and neither of the references teaches preventing application of a handover algorithm on the basis of checking such a state. Without correspondence to each of the claimed limitations, the § 103(a) rejections would be improper, and Applicant requests that the rejections be withdrawn.

Moreover, a skilled artisan would not combine the cited teachings as asserted. First, Halonen teaches in Fig. 3 that a handover algorithm is applied, either one with normal values or one with accelerated values. The cited portion of Halonen merely teaches that a time calculator may be used to stop a time-limited algorithm. Also, the cited advantage at page three of Halonen results from Halonen using a trigger for automatically initiating handover, not preventing application of a handover algorithm as asserted. Second, the assertion that Kubosawa's cited handover algorithm would be prevented undermines the teachings of Kubosawa. Notably, cited step S9 is performed only when handover is needed but is not possible due to the stored handover settings. At step S9 a user is communicating via a device with deteriorating communication quality. Modifying step S9 to prevent the possibility of handover by preventing application of the algorithm when a user does not provide input, would purposely maintain a deteriorated quality communication connection with no option for improvement via handover. Kubosawa's step S9 is an integral part of a handover operation that a skilled artisan would not modify to prevent application of a handover algorithm altogether. Without a rational underpinning for the proposed modification of Kubosawa, the § 103(a) rejections are improper, and Applicant requests that each of the rejections be withdrawn.

Dependent Claims 2, 8, 10-12, 19, and 22-28 depend from independent Claims 1, 9, and 21, respectively, and each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Kubosawa and Halonen. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2, 8, 10-12, 19, and 22-28 are also patentable over Kubosawa and Halonen.

With respect to the § 103(a) rejections of dependent Claims 3-7, 13-18, and 20 based upon Kubosawa and Halonen in view of GB 2289191 by Motorola; U.S. Patent No. 6,178,388 to Claxton; U.S. Publication No. 2004/0204123 by Cowsky, III *et al.*; U.S. Publication No. 2004/0248594 by Wren, III; and U.S. Patent No. 6,871,074 to Harris *et al.*, respectively, Applicant respectfully traverses. As discussed above, Kubosawa and Halonen fail to correspond to the limitations of independent Claims 1 and 9 (from which Claims 3-7, 13-18, and 20 depend). The further reliance on these additional teachings does not overcome the above-discussed deficiencies in Kubosawa and Halonen. Thus, the asserted combinations of these teachings with the teachings of Kubosawa and Halonen do not teach each of the claimed limitations of dependent Claims 3-7, 13-18, and 20, and each of the § 103(a) rejections should be withdrawn.

It should also be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been inherent, obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.083PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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